

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADAM PLAGENS,

Plaintiff,

v.

Case No. 06-12214
Hon. Sean F. Cox

SOURCE ONE MORTGAGE
CORPORATION, et al.

Defendants.

ORDER

This matter is before the Court on Third Party Plaintiff Adam Plagen's Motion to set aside default. On June 23, 2007, Plaintiff filed a Third Party Complaint against Third Party Defendant Reginald Ellsworth. On July 31, 2007, Third Party Defendant Reginald Ellsworth filed an Answer, including affirmative defenses and counterclaims. However, the Answer was improperly labeled on the docket as a response to a motion. Because of the improper labeling, Third Party Plaintiff did not file an Answer to the counterclaims.

Pursuant to Third Party Defendant's request, a clerk's entry of default was entered on November 7, 2007 against Third Party Plaintiff Adam Plagens. Because the Answer and Counterclaims were improperly labeled, the Court **GRANTS** Third Party Plaintiff's Motion. The Clerk's Entry of Default against Adam Plagens is hereby set aside.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: November 21, 2007

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Defendants.

PROOF OF SERVICE

**I hereby certify that on November 21, 2007, a copy of the foregoing document was
served upon counsel of record by electronic means and by ordinary mail upon:**

**Reginald Ellsworth
22155 Ivanhoe Lance
Southfield, MI 48034**

**S/Jennifer Hernandez
Case Manager**